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14 **UNITED STATES DISTRICT COURT**
15 **EASTERN DISTRICT OF CALIFORNIA**

16 ERIC WILLIAM CARVER,) Case No.: 1:20-CV-00565-SKO
17 Plaintiff,) STIPULATION FOR VOLUNTARY
18) REMAND PURSUANT TO SENTENCE
19) FOUR OF 42 U.S.C. § 405(g); ORDER
20 v.) (Doc. 28)
21 KILOLO KIJAKAZI,¹)
22 Commissioner of Social Security)
23 Defendant.)
24)
25)

26 IT IS HEREBY STIPULATED, by and between the parties, through their undersigned
27 attorneys, and with the approval of the Court, that the Commissioner of Social Security has
28 agreed to a voluntary remand of this case pursuant to sentence four of 42 U.S.C. § 405(g). The
purpose of the remand is to offer Plaintiff a new decision.

26 ¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant
27 to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted,
therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to
28 continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42
U.S.C. § 405(g).

1 On remand, the Commissioner will conduct any necessary further proceedings and issue
2 a new decision. The parties further request that the Clerk of the Court be directed to enter a final
3 judgment in favor of Plaintiff, and against Defendant, reversing the final decision of the
4 Commissioner.

5 Respectfully submitted,

6 Dated: November 12, 2021

/s/Jonathan Omar Pena *

(*as authorized via e-mail on 11/12/21)
7 JONATHAN OMAR PENA
8 Attorney for Plaintiff

9 Dated: November 12, 2021

10 PHILLIP A. TALBERT
11 Acting United States Attorney
12 DEBORAH LEE STACHEL
13 Acting Regional Chief Counsel, Region IX
14 Social Security Administration

15 By: /s/ Marcelo Illarmo
16 MARCELO ILLARMO
17 Special Assistant United States Attorney

18 Attorneys for Defendant

19 **ORDER**

20 Based upon the parties' Stipulation to Voluntary Remand Pursuant to Sentence Four of 42
21 U.S.C. § 405(g) ("Stipulation to Remand") (Doc. 28), and for cause shown,

22 IT IS HEREBY ORDERED that the above-captioned action is remanded to the Acting
23 Commissioner of Social Security for further proceedings consistent with the terms of the
24 Stipulation to Remand.

25 The Clerk of Court is hereby DIRECTED to: (1) enter judgment in favor of Plaintiff Eric
26 William Carver and against Defendant Kilolo Kijakazi, Acting Commissioner of Social Security;
27 and (2) administratively close this file.

28 IT IS SO ORDERED.

Dated: November 15, 2021

/s/ Sheila K. Oberto

UNITED STATES MAGISTRATE JUDGE

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